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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,750	12/08/2000	L. Michael Maritzen	80398.P400	4798

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EXAMINER

KRAMER, JAMES A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 09/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

# Office Action Summary

Application No.

09/733,750

Applicant(s)

MARITZEN, L. MICHAEL

Examiner

James A. Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 5, 7-10, 12, 13, 15, 16, 18, & 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cameron et al. (hereinafter Cameron) in view of Danneels et al. (hereinafter Danneels).

Cameron teaches a system for placing an order with a supplier capable of providing a product. The specific embodiment as taught by Cameron includes placing an order with a telemarketer over a telephone, however Cameron teaches the system applied to other entry devices, such as multimedia kiosks and interactive television (column 6; lines 30-36). Examiner makes a note that either of these could server as the access device of Applicant's invention.

Cameron further teaches when an item is out of stock automatically substituting the same item from another vendor for the same price (column 18; lines 2-5). Cameron does not specifically teach exchanging customer information between the primary merchant and the second or ancillary merchant. Examiner notes that in order to automatically substitute the same item from the second or ancillary merchant customer information must be exchanged. Therefore it is inherent to the teachings of Cameron that the customer information is exchanged between the primary merchant and the second merchant.

Cameron does not teach creating a link between the primary merchant and the ancillary merchant. Danneels teaches dynamic linking of supplier web sites to reseller web sites. Specifically a user goes to a supplier (primary merchant's site) selects a product and is transferred to a reseller's web page (ancillary merchant's site). Information about the user and the products he/she wishes to purchase are then transferred via this dynamic link to the reseller's page in order to provide a more efficient and convenient shopping experience for the user. Examiner notes that the teachings of Danneels differs from Applicant's invention in that after the linking between the supplier (primary merchant) and reseller (ancillary merchant) the system requires user interaction. However, Examiner only relies on the link created between supplier (primary merchant) and reseller (ancillary merchant) for this rejection.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to dynamically link the primary and ancillary merchants of Cameron as taught by Danneels in order to automatically transfer customer information and provide for a seamless and convenient shopping experience for the customer.

Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cameron et al. (hereinafter Cameron) in view of Danneels et al. (hereinafter Danneels) in further view of Bezos et al. (hereinafter Bezos).

Cameron in view of Danneels (as discussed in detail above) does not teach paying a referral fee. Bezos teaches a system and method of tracking referrals over a network and paying a referral fee in order to compensate a site/supplier for providing business. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the system and method for tracking and paying referral fees as taught in Bezos to the teachings of

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Cameron in view of Danneels in order to compensate the primary supplier for providing business to the ancillary merchant.

Cameron in view of Danneels (as discussed in detail above) does not teach providing an electronic receipt to the user. Examiner notes that it is old and well known in the business methods art to give network customers an electronic receipt in order provide a record of the transaction while reducing the paperwork associated with on-line transactions. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to give the customers of Cameron in view of Danneels an electronic receipt in order to provide a record of the transaction while reducing the paperwork associated with the on-line transaction.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

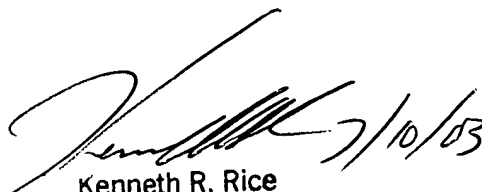
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (703) 305-4716. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-3687 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

James A. Kramer  
Examiner  
Art Unit 3627

JAK  
July 10, 2003

  
Kenneth R. Rice  
Primary Examiner